

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ROBERT JACKSON,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 2:21-cv-01772-JAD-EJY

ORDER

This action commenced on September 24, 2021, when Plaintiff filed his application to proceed *in forma pauperis* together with his civil rights Complaint. ECF Nos. 1, 1-1. The financial information provided by Plaintiff demonstrates he is unable to prepay the filing fee in this matter.

On August 25, 2022, the Court imposed a stay of the case and ordered the parties to mediate with a court-appointed mediator. ECF Nos. 8, 11. On November 2, 2022, the Court granted Defendant Nevada Department of Corrections' Motion to Vacate Early Mediation Conference. ECF No. 13. Because the parties will not be participating in mediation, this case will proceed on the litigation track.

Accordingly, **IT IS HEREBY ORDERED** that:

1. This case is no longer stayed.
2. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.
3. Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada Department of Corrections will forward payments from the account of **Robert Jackson, #86238** to the Clerk of the United States District Court, District of Nevada, at a rate of 20% of the preceding month's deposits (in months that the account exceeds \$10.00) until the full \$350 filing fee has been paid for this action. The Clerk of the Court must send a copy of this Order to (1) the

1 Finance Division of the Clerk's Office and (2) the attention of **Chief of Inmate Services for the**
2 **Nevada Department of Corrections**, P.O. Box 7011, Carson City, NV 89702.

3 4. In the event that this action is dismissed the filing fee must still be paid pursuant to
4 28 U.S.C. § 1915(b)(2).

5 5. The Clerk of the Court will electronically serve a copy of this Order, the Screening
6 Order (ECF No. 8), and Plaintiff's First Amended Complaint (ECF No. 6) on the Office of the
7 Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada to
8 the docket sheet. This does not indicate acceptance of service.

9 6. Subject to the findings of the Screening Order (ECF No. 8), within twenty-one (21)
10 days of the date of entry of this Order, the Attorney General's Office must file a notice advising
11 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the
12 names of the defendants for whom it does not accept service, and (c) the names of the defendants
13 for whom it is filing the last-known-address information under seal. As to any of the named
14 defendants for whom the Attorney General's Office cannot accept service, the Attorney General's
15 Office must file, under seal, but shall not serve Plaintiff, the last known address(es) of those
16 defendant(s) for whom it has such information. If the last known address of the defendant(s) is a
17 post office box, the Attorney General's Office must attempt to obtain and provide the last known
18 physical address(es).

19 7. If service cannot be accepted for any of the named defendant(s), Plaintiff must file
20 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
21 a full name and address for the defendant(s). For the defendant(s) the Attorney General's Office
22 cannot provide last-known-address information, Plaintiff must provide the full name and address,
23 if known, for the defendant(s).

24 8. If the Attorney General's Office accepts service of process for any named
25 defendant(s), such defendant(s) must file and serve an answer or other response to the First
26 Amended Complaint (ECF No. 6) no later than sixty (60) days from the date of this Order.

27 9. Service of the operative complaint on defendants must be accomplished within 90
28 days of the date of this Order.

10. Plaintiff must serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff must include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed or electronically filed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff must direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE